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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA 2010 AUG 10 A 9:49

Jamel Alexander Demorcy,)	C. A. No. 2:10-0943-JFA-RSC
)	
Plaintiff,)	
)	
-versus-)	<u>REPORT AND RECOMMENDATION</u>
)	
Tyrus Terell Robberts;)	
Director Jon Ozmint; Security)	
Director Robbert Ward;)	
Classification Director)	
Pernell Cromer; Investigator)	
David Hurt; Investigator)	
James A. Smith; Investigator)	
Powell; Investigator Ms.)	
Scoggins,)	
)	
Defendants.)	

On July 14, 2010, the plaintiff filed a Motion for Dismissal without prejudice. (Doc. #17). The defendants consent to dismissal, but request the dismissal be with prejudice. (Doc. #20).

It is therefore recommended that this action be dismissed without prejudice in accord with Rule 41 of the Federal Rules of Civil Procedure provided the plaintiff be prohibited from bringing this action again without permission of the court. Further it is recommended that permission to re-file this action

be granted freely and upon such additional terms as the court
then considers proper in light of this dismissal.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert S. Carr". The signature is written in a cursive, slightly stylized font.

Robert S. Carr
United States Magistrate Judge

Charleston, South Carolina

August 9, 2010

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Court Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. In the absence of a timely filed objection, a district court judge need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005).

Specific written objections must be filed within **fourteen (14) days** of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The time calculation of this ten-day period excludes weekends and holidays and provides for an additional three (3) days for filing by mail. Fed. R. Civ. P. 6(a) & (e). Filing by mail pursuant to Fed. R. Civ. P. 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
P.O. Box 835
Charleston, South Carolina 29402

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985).